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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,530	12/05/2003	Michael Ganser	LWEP:104aUS	8287
24041	7590	03/30/2005	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/728,530	Applicant(s) GANSER, MICHAEL	
	Examiner Thong Q. Nguyen	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004 and 05 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/26/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The present Office action is made in response to the amendments filed on Nov. 26, 2004 and Jan. 05, 2005.

It is noted that in the amendment of 11/26/2004, applicant has made amendments to the drawings, the specification and the claims 5 and 12. In the amendment of 1/5/2005, applicant has just provided a list of claims which includes the status indicators for all of the claims.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/915,012, filed on 7/25/2001. 4. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

***Drawings***

3. The drawings contained corrected figure 3 was received on 11/26/2004. The corrected figure 3 as filed on 11/26/2004 is not approved by the Examiner because the figure 3 contains information/structure which has not approved by the Examiner as indicated in the previous office action of 8/23/2004.

***It is noted that the change to figure 3 by adding the feature of motor in the microscope stand is acceptable by the examiner; however, since the change in incorporate into the figure 3 which is not acceptable; thus the objection to the drawing as failing to show every feature of the invention specified in the claims made in the previous office action of 8/23/2004 is repeated. Applicant is advised that the change related to the motor should be added to original figure 2 which is accepted by the Examiner for the purpose of providing support for the feature claimed.***

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The lengthy specification which is amended by the amendment of 11/26/2004 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The amendment filed on 12/8/2003 and the amendment filed on 11/26/2004 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

First, the newly-added brief description of figure 3 and the figure 3; and

Second, the description of the structure as provided in newly-added paragraph [0021.1] as filed on 12/08/2003 and is amended by the amendment of 11/26/2004.

Applicant is required to cancel the new matter in the reply to this Office Action.

The material as mentioned above are not supported by the original disclosure because the original disclosure has never disclosed the structure thereof "The control and power supply unit 34 is configured such that it is suitable to take up two or more

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standardized circuit board 50. The control and power supply unit 34 and consequently the circuit boards 50 can be used for various types of the microscope stand. The two or more circuit boards 50 can be used for controlling at least one motor and/or lamp housed within the microscope stand" as provided in the amendment of 11/26/2004 to section [0021.1]. Applicant should note that the paragraph [0021] in the original specification does not provide support for the mentioned structure. The original specification discloses that the control and power supply unit is housed various control units and power supply unit; however, the original specification has not disclosed that the control unit and/or power unit includes two or more standardized circuit boards 50 and the two or more standardized circuit boards 50 can be used for controlling at least one motor and/or lamp housed within the microscope stand.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 6-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a) Claim 6 is rejected under 35 USC 112, first paragraph because the feature related to "the control and power supply unit including two or more standardized

circuit boards to be used for various types of said microscope stand wherein said two or more standardized circuit boards are used for controlling at least one motor or lamp housed within the microscope stand” is a new matter to the application as original filed. Applicant should note that the paragraphs [0006], [0008], and [0021] in the original specification does not provide support for the mentioned structure which is described in the newly-added paragraph [0021.1]. The original specification discloses that the control and power supply unit is housed various control units and power supply unit; however, the original specification has not disclosed that the control unit and/or power unit includes two or more standardized circuit boards 50 and the two or more standardized circuit boards 50 can be used for controlling at least one motor and/or lamp housed within the microscope stand as claimed.

b) Claim 12 is rejected under 35 USC 112, first paragraph because the feature related to “the control and power supply unit including two or more standardized circuit boards to be used for various types of said microscope stand wherein said two or more standardized circuit boards are used for controlling at least one motor and lamp housed within the microscope stand” is a new matter to the application as original filed. Applicant should note that the paragraphs [0006], [0008], and [0021] in the original specification does not provide support for the mentioned structure which is described in the newly-added paragraph [0021.1]. The original specification discloses that the control and power supply unit is housed various control units and power supply unit; however, the original

specification has not disclosed that the control unit and/or power unit includes two or more standardized circuit boards 50 and the two or more standardized circuit boards 50 can be used for controlling at least one motor and lamp housed within the microscope stand as claimed.

c) The remaining claims are dependent upon the rejected base claims and thus inherit the deficiency thereof.

8. Claims 10 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a) Claim 10 is rejected under 35 USC 112, first paragraph because the disclosure as originally filed does not provide support for an illuminating system having an illumination unit located in a box housed a control and power supply unit, a lamp in the microscope stand and cable for guiding light from the illumination unit to the microscope stand. Applicant is respectfully invited to review the specification as originally filed in the paragraph [0021] in which the specification states that when a lamp is located in the microscope stand then a transformer is used in the box to control the operation of the lamp. The cable or light guide is not used in the embodiment which discloses the arrangement of the lamp in the microscope stand.

b) Claim 16 is rejected for the same reason as set forth in element a) above.



9. Claims 6-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a) Claim 6 is rejected under 35 USC 112, first paragraph because the feature related to “the control and power supply unit including two or more standardized circuit boards to be used for various types of said microscope stand wherein said two or more standardized circuit boards are used for controlling at least one motor or lamp housed within the microscope stand” is a new matter to the application as original filed. Applicant should note that the paragraphs [0006], [0008], and [0021] in the original specification does not provide support for the mentioned structure which is described in the newly-added paragraph [0021.1]. The original specification discloses that the control and power supply unit is housed various control units and power supply unit; however, the original specification has not disclosed that the control unit and/or power unit includes two or more standardized circuit boards 50 and the two or more standardized circuit boards 50 can be used for controlling at least one motor and/or lamp housed within the microscope stand as claimed.

b) Claim 12 is rejected under 35 USC 112, first paragraph because the feature related to “the control and power supply unit including two or more standardized circuit boards to be used for various types of said microscope stand wherein said

two or more standardized circuit boards are used for controlling at least one motor and lamp housed within the microscope stand” is a new matter to the application as original filed. Applicant should note that the paragraphs [0006], [0008], and [0021] in the original specification does not provide support for the mentioned structure which is described in the newly-added paragraph [0021.1]. The original specification discloses that the control and power supply unit is housed various control units and power supply unit; however, the original specification has not disclosed that the control unit and/or power unit includes two or more standardized circuit boards 50 and the two or more standardized circuit boards 50 can be used for controlling at least one motor and lamp housed within the microscope stand as claimed.

The claim 12 is also rejected under 35 USC 112, first paragraph because the disclosure, as original filed, does not provide support for the use of two or more standardized circuit boards for controlling *at least one motor and lamp* housed within the microscope stand as claimed (Examiner’s emphasis). Applicant should note that the specification has disclosed the use of a circuit board for controlling at least one motor or lamp. The specification has disclosed the use of a circuit board for controlling *at least one motor or lamp*.

c) The remaining claims are dependent upon the rejected base claims and thus inherit the deficiency thereof.

10. Claims 10 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a) Claim 10 is rejected under 35 USC 112, first paragraph because the disclosure as originally filed does not provide support for an illuminating system having an illumination unit located in a box housed a control and power supply unit, a lamp in the microscope stand and cable for guiding light from the illumination unit to the microscope stand. Applicant is respectfully invited to review the specification as originally filed in the paragraph [0021] in which the specification states that when a lamp is located in the microscope stand then a transformer is used in the box to control the operation of the lamp. The cable or light guide is not used in the embodiment which discloses the arrangement of the lamp in the microscope stand.

b) Claim 16 is rejected for the same reason as set forth in element a) above.

### ***Claim Objections***

11. Claim 12 is objected to because of the following informalities. Appropriate correction is required.

Claim 12 recites the feature thereof "a box including... at least one motor and lamp housed within said microscope stand, said at least one control and power supply unit." See lines 3-9 of the claim. However, it is unclear about the function and/or the relationship of the control and power supply unit recited on the phrase thereof "said at least one control and power supply unit" (lines 8-9 of the claim)

with other component(s) of the device claimed in claim 12. The examiner is of opinion that the mentioned phrase is not necessary to the structure of the box supported the control and power supply unit recited on lines 3-8 of the claim 12. so should the mentioned phrase be deleted?

***Claim Rejections - 35 USC § 103***

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 6-9 and 12-15, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Remer et al (U.S. Patent No. 5,559,631, of record) in view of Crowley et al (U.S. Patent No. 5,103,338).

Remer et al disclose an illuminating system for a microscope. The microscope comprises a stand (1). The illuminating system comprises a set of light sources (4, 5) wherein the light source (4) is housed inside the stand; a box (8) located remotely from the light source housings and the microscope stand wherein the box houses at least one power supply and control units for controlling the operation of the light sources. The box is connected to the light source housings by wire leads (13, 12) and also comprises an interface (11) which is connected to a computerized system (16) which is understood by one skilled in the art comprises keyboard or equipments for entering data to control the operation of the microscope and the illuminating system. It is clearly that the illuminating box with its own dimensions and shape as provided by Tamura et al can be used to

provide illumination to different types of the microscope having a microscope stand. See columns 3-5 and fig. 1.

Regarding to the so-called the control and power supply unit has two or more circuit boards for controlling at least one motor and/or lamp as recited in the claims 6 and 12, such a feature is a new matter to the application as originally filed. Further, the use of a two controllers for controlling the operation of color temperature and brightness of illumination and a dual-axis switch lever (19) for controlling the operation of the controllers is known to one skilled in the art as can be seen in the microscope having an illuminating system provided by Remer et al. See column 3 and fig. 1. While Remer et al do not clearly state each controller and the switch lever is connected to a circuit board; however, the connection of switches with circuit board is suggested to one skilled in the art as can be seen in the illumination system of the microscope provided by Crowley et al. See column 5 and figs. 6-7. Thus, it would have been obvious to one skilled in the art at the time the invention was made to mount each switch or controller provided by Remer et al on a circuit board as suggested by Crowley et al for the purpose of connecting the electrical connector between the power and the optical elements via the operation of the such switches for the purpose of operation the optical elements.

14. Claims 6-9, 11-15 and 17, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradford et al (U.S. Patent No. 5,566,020, of record)

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in view of Tsumazawa et al (U.S. Patent No. 4,862,279, of record) and Crowley et al (U.S. Patent No. 5,103,338).

Bradford et al disclose a microscope having an illuminating system with its control support. The microscope comprises a microscope stand (27) for supporting optics (29) of the microscope and a projecting system (40) having a motor (56) for controlling the movement of a camera (52). The illuminating system and its control support as described in column 4 and shown in figures 1-2 comprises a box (18) contained power supply and control buttons wherein the box is arranged physically separate from the microscope stand. The box (18) is used to provide power to the motor (56) wherein the motor is a focusing motor. Regarding to the feature that the cable used to provide power to the motor from the box is connected to the microscope stand. However, it would have been obvious to one skilled in the art to connect the cable to the microscope stand or let the cable go through the microscope stand for the purpose of eliminating the disadvantage caused by the cable during a microscopic operation.

Regarding to the so-called the control and power supply unit has two or more standard circuit boards as recited in the claims 6 and 12, such a feature is a new matter to the application as originally filed. It is also noted that the use of control buttons in the form of switches for controlling the power supply is shown by Bradford as can be seen in the figure 1. The only feature missing from the art of Bradford et al is that they do not clearly state that each of the control button or switch is connected to a circuit board. However, the use of a switch for controlling

the operation of an optical element wherein the switch is connected/formed on a circuit board is known to one skilled in the art as can be seen in the illumination system of the microscope provided by Crowley et al. See column 5 and figs. 6-7. Thus, it would have been obvious to one skilled in the art at the time the invention was made to mount each switch or controller provided by Remer et al on a circuit board as suggested by Crowley et al for the purpose of connecting the electrical connector between the power and the optical elements via the operation of the such switches for the purpose of operation the optical elements.

***Response to Arguments***

15. Applicant's arguments filed on 11/26/2004 have been fully considered but they are not persuasive.

A) Regarding to the objection to the request for a priority based on 35 USC 120, applicant's arguments and the amendments to the specification and the claims have been fully considered but they are not persuasive.

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112.

See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

In particular, since all of the claims as now pending recite a control and power supply unit includes two or more standardized circuit boards for various types of microscope stand which subject is not disclosed in the DE 200 13 359 which is used to claim for foreign priority; therefore, the present application does not comply with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

If the applicant still maintains that the support for the new materials has support from the foreign priority paper, then the applicant must provide a translation and shown the support for the new material in the foreign priority paper.

B) Regarding to the objection of figure 3 as set forth in the previous Office action, the amendment to the figure 3 and applicant's arguments provided in the amendment of 11/26/2004, page 7, have been fully considered but they are not persuasive.

The drawings contained corrected figure 3 was received on 11/26/2004. The Examiner as filed on 11/26/2004 does not approve the corrected figure 3 because the figure 3 contains information/structure which has not approved by the Examiner as indicated in the previous office action of 8/23/2004.

***It is noted that the change to figure 3 by adding the feature of motor in the microscope stand is acceptable by the examiner; however, since the***



***change in incorporate into the figure 3 which is not acceptable; thus the objection to the drawing as failing to show every feature of the invention specified in the claims made in the previous office action of 8/23/2004 is repeated. Applicant is advised that the change related to the motor should be added to original figure 2 which is accepted by the Examiner for the purpose of providing support for the feature claimed.***

C) Regarding to the objection to the specification because the amendment filed on 12/8/2003 and the amendment filed on 11/26/2004 introduce new matter into the disclosure, the amendments to the specification in section [0021.1] and applicant's arguments as provided in the amendment of 11/26/2004, page 8, have been fully considered but they are not persuasive.

Applicant has amended the specification and the claims, i.e., claims 6 and 12, by adding that the control and power supply unit includes two or more standardized circuit boards and argued that the supports for such a structure is in sections [0006], [0008] and U.S. Patent No. 6,717,725 (column 1, line 66 – column 2, line 2). The Examiner respectfully disagrees with the applicant's viewpoints. The amendments to section [0021.1] and the claims 6 and 12 still bring new matter to the application, as original filed, and applicant's arguments have not been persuasive. The objection to the specification under 35 USC 132 is still maintained.

Applicant has argued that section sections [0006], [0008] and U.S. Patent No. 6,717,725 (column 1, line 66 – column 2, line 2) provide support for the new materials. The Examiner respectfully disagrees. The disclosure, as original filed, in particular, section [0008], and the U.S. Patent No. 6,717,725 (column 1, line 66 – column 2, line 2), each discloses that the feature thereof “In addition, because of the invention it is no longer necessary for different circuit boards to be produced for each of the various types of stands. This yields a considerable cost advantage, since multiple identical circuit boards can be produced and used with different types of stands”. Such a description does not provide support for the applicant’s conclusion that the description in section [0021.1] and the features related to the two or more circuit boards has supported from the original disclosure. The Examiner is of opinion that ***this mentioned feature does not state or disclose that there are many identical circuit boards are positioned simultaneously or at the same time inside the control and power supply unit. The mentioned feature can be understood that there are many identical circuit boards are produced for different types of microscope stand and one particular circuit board among the plural identical circuit boards is used in the control and power supply unit of a particular type microscope stand.***

D) Regarding to the rejections of claims 6-17 under 35 USC 112, first paragraph because the newly-added material to each of claims 6 and 12 bring new matter

into the disclosure, the amendments to the specification in section [0021.1] and applicant's arguments as provided in the amendment of 11/26/2004, page 9, have been fully considered but they are not persuasive. The amendments to section [0021.1] and the claims 6 and 12 still bring new matter to the application, as original filed, and applicant's arguments have not been persuasive and the rejections to the claims 6-17 under 35 USC 112, first paragraph as set forth in the previous Office action, pages 6-8, are still maintained.

Applicant has amended the specification and the claims, i.e., claims 6 and 12, by adding that the control and power supply unit includes two or more standardized circuit boards and argued that the supports for such a structure is in sections [0006], [0008] and U.S. Patent No. 6,717,725 (column 1, line 66 – column 2, line 2). The Examiner respectfully disagrees with the applicant's viewpoints.

Applicant has argued that section sections [0006], [0008] and U.S. Patent No. 6,717,725 (column 1, line 66 – column 2, line 2) provide support for the new materials. The Examiner respectfully disagrees. The disclosure, as original filed, in particular, section [0008], and the U.S. Patent No. 6,717,725 (column 1, line 66 – column 2, line 2), each discloses that the feature thereof "In addition, because of the invention it is no longer necessary for different circuit boards to be produced for each of the various types of stands. This yields a considerable cost advantage, since multiple identical circuit boards can be produced and used with different types of stands". Such a description does not provide support for the applicant's conclusion that the description in section [0021.1] and the features

related to the two or more circuit boards has supported from the original related to the two or more circuit boards has supported from the original disclosure. The Examiner is of opinion that ***this mentioned feature does not state or disclose that there are many identical circuit boards are positioned simultaneously or at the same time inside the control and power supply unit. The mentioned feature can be understood that there are many identical circuit boards are produced for different types of microscope stand and one particular circuit board among the plural identical circuit boards is used in the control and power supply unit of a particular type microscope stand.***

E) Regarding to the rejections of claims 10 and 16 under 35 USC 112, first paragraph, applicant's arguments provided in the amendment of 11/26/2004, pages 9-12, have been fully considered but they are not persuasive. As a conclusion, the rejections to claims 10 and 16 under 35 USC 112, first paragraph as set forth in the previous Office action, pages 7-9, are still maintained. Applicant has argued that the support for the claims is found in the section [0021] of the original disclosure. The Examiner respectfully invited the applicant to shown the lines of original section [0021] which support for the feature related to the position of a lamp inside the illumination unit housed in the box which is disposed separated from the microscope stand and a light guide that couples light from the illumination unit to the microscope stand.

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Applicant is respectfully invited to review the original specification in section [0021] in which it discloses two embodiments. The first embodiment discloses the use of an illumination unit inside the box separated from the microscope stand. The light from the lamp inside the illumination unit is guided to the microscope stand by a light guide. In the second embodiment, it discloses the use of a lamp inside the microscope stand and the use of a transformer in the box to control the operation of the lamp. In the second embodiment, there is not any cable or light guide being used to guide light from the illumination unit to the microscope stand.

F) Regarding to the rejections of claims over the cited art, the amendments to the claims and applicant's arguments with respect to claims (see also the objection to the specification and the rejection to the claims under 35 USC 132 and 35 USC 112, first paragraph as set forth in this Office action) have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

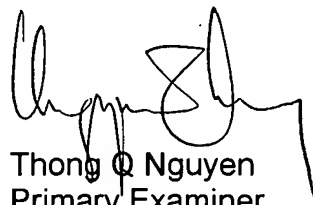
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 2872

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